

OVERVIEW OF USVI INCIDENT (4/6/15)

The EPA is working closely with the U.S. Virgin Island government to investigate an incident reported to the U.S. Virgin Islands government and EPA on March 20, 2015 in which paramedics responded to a call that four people in a family staying at the Sirensa Condominium Resort in Cruz Bay, St. John became very ill.

EPA took immediate action to respond to the incident, and the agency has conducted air sampling and taken wipe samples at the site. EPA staff remains on-site to assist with the investigation.

The agency is investigating to not only address what happened, but also to ensure this does not happen to anyone else. EPA will ensure that appropriate steps are taken if it is determined any environmental regulations or laws were violated.

EPA is working cooperatively with DPNR, EPA CID, DOJ, The St. John Fire Department, St. John Police Department, ATSDR, USVI DOH and the condo complex management company. EPA is also working to evaluate options for management of existing stocks of the fumigant.

The use of methyl bromide in the U.S. is restricted due to its acute toxicity. Only certified applicators are allowed to use it in certain agricultural settings and is not authorized for use in dwellings. Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage. Pesticides can be very toxic and it is critically important that they be used only as approved by EPA. For more information about EPA's pesticide program and its requirements, visit <http://www.epa.gov/pesticides/>. For more information on methyl bromide, visit <http://www.epa.gov/region2/methyl-bromide.pdf>.

Q&A

WHAT IS METHYL BROMIDE USED FOR?

Methyl bromide (MeBr) is an odorless, colorless gas that has been used as a soil fumigant and structural fumigant to control pests across a wide range of agricultural sectors.

WHY IS IT STILL USED?

Because MeBr depletes the stratospheric ozone layer, the amount of MeBr produced and imported in the U.S. was reduced incrementally until it was phased out in January 1, 2005, pursuant to our obligations under the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Protocol) and the Clean Air Act (CAA). Allowable exemptions to the phaseout include 1) the Quarantine and Preshipment (QPS) exemption, to eliminate quarantine pests, and 2) the Critical Use Exemption (CUE), designed for agricultural users with no technically or economically feasible alternatives.

WHAT ARE THE NEGATIVES ABOUT USING IT WITH CROPS?

Methyl bromide is a toxic material. Exposure to this chemical will affect not only the target pests it is used against, but non-target organisms as well. Because methyl bromide dissipates so rapidly to the atmosphere, it is most dangerous at the actual fumigation site itself. Human exposure to high concentrations of methyl bromide can result in central nervous system and respiratory system failure, as well as specific and severe deleterious actions on the lungs, eyes, and skin.

ARE CALIFORNIA AND FLORIDA STILL THE MAJOR USERS IN THE U.S. WHEN IT COMES TO CROPS?

California is the only major crop user of methyl bromide, due mainly to the critical use exemption for strawberries in California.

WHY IS IT STILL USED? WHAT IS THE PHASEOUT ALL ABOUT? WHAT ARE THE EXEMPTIONS?

Under the Montreal Protocol on Substances that Deplete the Ozone Layer and the U.S. Clean Air Act, production and import of methyl bromide, other than for exempted uses, was phased out in 2005 because it is an ozone depleting substance. The critical use exemption (CUE) allows for new production and import of methyl bromide for users who have no technically and economically feasible alternatives and where the lack of methyl bromide will result in a significant market disruption. There is no specified end date for the critical use exemption, but the amount of methyl bromide allowed for critical uses has declined from 7,659 metric tons in 2005 to 376 metric tons in 2015.

For 2015 and 2016, there are two critical use exemptions: Strawberries in California and dry cured pork. For 2016, dry cured ham is the only U.S. CUE; the decisions for 2017 are expected by November 2015

IS METHYL BROMIDE ALLOWED AS A STRUCTURAL FUMIGANT IN THE U.S. AND IN U.S. TERRITORIES?

Methyl bromide is not approved for use as a structural fumigant in the U.S. or in U.S. territories – meaning residential buildings, offices, etc. Structural fumigation has not been allowed under an exemption to the Montreal Protocol in the U.S.

Methyl bromide is not allowed for use in dwellings. This prohibition has been in place since 1984.

ARE STRAWBERRIES DANGEROUS BECAUSE THEY USE THE METHYL BROMIDE ON THEM?

Methyl bromide is permitted for use only on crops that have been granted a critical use exemption. Currently, methyl bromide is the only pesticide that strawberry nursery operations

can use to produce strawberry runners that are free of nematodes and plant pathogens.

Between 2005 and 2013 the California strawberry nursery industry was approved by the Parties to the Montreal Protocol on Ozone Depleting Substances for a critical use exemption to use methyl bromide, based on a showing that there were no effective alternatives to methyl bromide for this use. In addition to the critical use exemption, strawberry nurseries can use methyl bromide as part of the quarantine exemption process to meet the California requirement that the runners be free of nematodes.

When used according to labeled directions and outlined in the approved critical use exemption, it is safe to eat food when methyl bromide has been used.

CRITICAL USE EXEMPTION:

Critical use exemptions (CUEs) are permitted under Section 604(d) of the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol).

Under Decision IX/6 of the Protocol “a use of methyl bromide should qualify as ‘critical’ only if the nominating Party determines that:

- (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and
- (ii) there are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and public health and are suitable to the crops and circumstances of the nomination.”